IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVIEW APPLICATION NO. 3 OF 2003

Shri Gopalkrishna V. Naik,
since deceased, represented
by his heirs:

a. Smt. Sindhu @ Krishnabai
G. Naik,

b. Smt. Saroj G. Naik,

c. Miss Sangeeta G. Naik,

d. Miss Dimple G. Naik,

e. Miss Sushma G. Naik,

f. Miss Reshma G. Naik,

g. Miss Trupti G. Naik,

h. Miss Samrudhi G. naik,
all of major age execpt heir
m, who is minor of about 14
years of age and through her
next friend and mother being
applicant no.a in tyhis petition,
all r/o H.No.163, Wadwad,
Goa Velha - Goa. ... Applicants.

versus

1. Shri Alfred Gonsalves,
s/o Constancio Gonsalves,
H.No.not known, Lourdes Wado,
St. Inez, Panaji-Goa.

2. M/s FLO SEL,
Main Market, Panaji-Goa.

3. The New India Insurance Co.,
Panaji, Goa. ... Respondents.

Mr. V. G. P. Dukle, Advocate for the Applicants.

Mr. E. Afonso, Advocate for Respondent Nos.1 to 3.

CORAM : P. V. HARDAS, J.

DATED : 5TH APRIL, 2003.

ORAL JUDGMENT(PER P. V. HARDAS,J.)

Mr. V. G. P. Dukle, learned Counsel appearing on behalf of the Applicants and Mr. E. Afonso, learned Counsel appearing on behalf of Respondent Nos.1 to 3 consent for final decision of this application at the stage of admission.

2. This application for review has been filed seeking review of the Judgment of this Court dated 29th August, 2002, in Civil Revision Application No.145 of 2002. A reference to the facts, for the decision of this application, is not necessary as this Court by its aforesaid Judgment at para 4 had held the Civil Revision Application was not maintainable. However, in para 5, this Court observed that there was no material irregularity in the exercise of its jurisdiction and thus this Court did not see any merit in the revision and the same was dismissed. It is this part of the Judgment which is sought to be reviewed by the Applicants. According to the Applicants, they are stopped in view of the observations of this Court, referred to above, from filing any other appropriate proceedings challenging the Order that was impugned in the revision.

3. In my considered opinion, the portion of para 5

"That apart, there is no material irregularity in the exercise of jurisdiction. I, thus see no merit in the revision" needs to be deleted from the Judgment.

4. Accordingly, Civil Review Application No.3 of 2003 is allowed. The portion referred to above shall stand deleted from the Judgment dated 29th August, 2002 in Civil Revision Application No.145 of 2002.

P. V. HARDAS, J.

RD.